

RECEIVED
CENTRAL FAX CENTER

NOV 17 2005

**Medtronic**

BEST AVAILABLE COPY

Facsimile Cover Sheet

MEDTRONIC LAW DEPARTMENT - CONFIDENTIAL

Attention: Centralized Fax Number
Company: United States Patent and Trademark Office
Telephone:
Facsimile: 571-273-8300
Application No.: 10/698,223
Filing Date: Octboer 31, 2003

From: Anna M. Nelson
Telephone: 763-505-0409
Facsimile: 763-505-0411
Our Ref. No.: P-11296.00US

Date: November 17, 2005

Pages (including cover page): 4

I hereby certify that this correspondence is being facsimile transmitted to the USPTO on the date shown above:

1. Transmittal Letter
2. Response to Restriction And Election Requirement

Anna M. Nelson,
Reg. No. 48,935

NOTICE

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMITTAL FORM. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY Jodi Nickel at (763) 505-0184. THANK YOU.

NOV 17 2005

PTO/SB/21 (09-04)

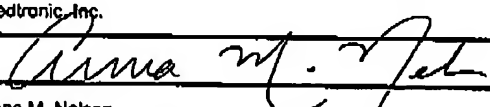
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/698,223
	Filing Date	10/31/2003
	First Named Inventor	Starkebaum
	Art Unit	3739
	Examiner Name	Alex Troy
Total Number of Pages in This Submission	Attorney Docket Number	P-11296.00

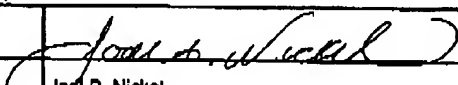
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Medtronic, Inc.		
Signature			
Printed name	Anna M. Nelson		
Date	November, 17, 2005	Reg. No.	48,935

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Joel D. Nickel	Date	November, 17, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPYRECEIVED
CENTRAL FAX CENTER

NOV 17 2005 PATENT

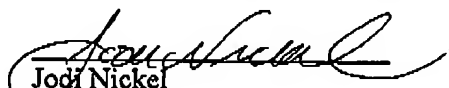
Docket No.: P-11296.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Warren L. Starkebaum	Group Art Unit:	3739
Application No.:	10/698,223	Examiner:	Alex Toy
Filing Date:	10/31/2003	Confirmation No.	1509
For:	Ablation of Stomach Lining to Reduce Stomach Acid Secretion		

CERTIFICATE OF MAILING OR TRANSMISSION:

I hereby certify that this correspondence is being deposited

☐ via first class mail with the United States Postal Service with sufficient postage; or☒ facsimile transmitted to the U.S. Patent and Trademark Officeto Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on November 17, 2005.
Jodi Nickel**Response To Restriction And Election Requirement**

In response to an Office Action mailed October 17, 2005, applicant hereby responds as follows:

The applicant has been required under 35 U.S.C. §121, to elect for further prosecution one of the embodiment of:

Group I, claims 1-17, drawn to a method for reducing stomach acid secretion, classified in class 128, subclass 898; or

Group II, claims 18-30, drawn to an ablation system, classified in class 606, subclass 41.

The Applicant hereby elects the embodiment of Group I, claims 1-17. A divisional application may later be filed to prosecute Group II. This election is made without traverse.

BEST AVAILABLE COPY

Application /Control Number: 10/698,223

Page 2

The applicant has also been required under 35 U.S.C. §121, to elect for further prosecution one of the following species of the claimed invention:

Species I, the embodiment of the delivery element shown in Fig. 1

Species II, the embodiment of the delivery element shown in Fig. 2

Species III, the embodiment of the delivery element shown in Fig. 3

Species IV, the embodiment of the delivery element shown in Fig. 4

Species V, the embodiment of the delivery element shown in Fig. 5

Species VI, the embodiment of the delivery element shown in Fig. 6

Species VII, the embodiment of the delivery element shown in Fig. 7

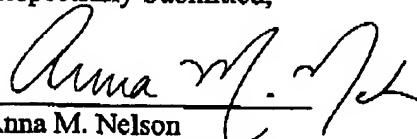
Species VIII, the embodiment of the delivery element shown in Fig. 8

Species IX, the embodiment of the delivery element shown in Fig. 9

Applicant elects Species II, the embodiment of the delivery element shown in Fig. 2. With regard to the claims that read on the elected species, all of the elected method claims, claims 1-17 read on the elected species, and all are generic. The Examiner is invited to call the undersigned if any further explanation will expedite the prosecution of the application, or if the Examiner has any suggestions or questions concerning the application or the present response.

Favorable examination and allowance are respectfully requested. The Examiner is encouraged to telephone the undersigned attorney if there any questions regarding this application.

Respectfully Submitted,



Anna M. Nelson

Registration No.: 48,935

MEDTRONIC, INC.

710 Medtronic Parkway NE, M.S.: LC340

Minneapolis, Minnesota 55432-5604

Telephone: 763-505-0409

Facsimile: 763-505-0411

Customer No.: 27581

Date: November 17, 2005